THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 5167 of 1996

16-11-2005

Between:

Smt. K. Susheela W/o Laxma Reddy
R/o Turkapalle (V), Shameerpet (M),
Rangareddy Dist.

..... PETITIONER

AND

1 The Cooperative Tribunal V Floor, Chandra Vihar Building,
M.J. Road, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 5167 of 1996

O R D E R:

Heard the learned counsel for the petitioner.

No representation for the respondent.

This petition is filed questioning the order of the 1st respondent dismissing the appeal of the petitioner on the ground that there was no valid service of notice under Section 71 of A.P. Co-operative Societies Act (for short 'the Act').

The order of the Tribunal (1st respondent) shows that the notice of the proceedings under Section 71 was served on the husband of the petitioner. As per 50(3) of A.P.

Co-operative Society Rules, service of summons can be effected by giving or tending the summons to the person concerned or the person is not found by leaving it at his last known address of abode or business or by giving tendering to any adult family member. Therefore, service of summon on the husband of the petitioner is but a valid and proper service and so the contention of the petitioner that there was no proper service of summons for the proceedings under Section 71 of the Act cannot be accepted.

In the proceedings under Section 71 of the Act, petitioner was directed to pay the amount borrowed by her with interest. 1st respondent modified the said order and directed the petitioner to pay the principal only. If at all, it is the 2nd respondent that should feel aggrieved by the order of the 1st respondent, but not the petitioner. Therefore, I find no merits in this petition and hence the petition is dismissed with costs.

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16-11-2005

Mjl/*